

MINUTES OF THE MEETING OF
THE BOARD OF COSMETOLOGY, ELECTROLOGY, ESTHETICS,
NAIL TECHNOLOGY, AND BODY ART

July 2, 2018

1. ROLL CALL

The meeting of the Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art was called to order by the Chair, Melanie Judkins, at 10:30 a.m., in Lower Level Conference Room B, Nebraska State Office Building, Lincoln, Nebraska. Copies of the agenda were mailed to the Board members and other interested parties in accordance with the Public Meeting Law.

Members Present: The following members answered roll call:

Sandra Christie	-	Member
Lyra Faltys	-	Member
Jacqueline Hornig	-	Member
Melanie Judkins	-	Chair
Ruth Lucas	-	Member
Marie Nordboe	-	Member
Becky Pettigrew	-	Member
Pamela Rowland	-	Member

Members Absent:

Bridget Anderson	-	Secretary (arrived 10:33 a.m.)
Vicki Criswell	-	Vice-Chair

Others Present:

Ami Huff, Assistant Attorney General
Kris Chiles, Program Manager, Licensure Unit
Nancy Herdman, Health Licensing Coordinator, Licensure Unit
Kathleen Krueger, Investigator

A quorum was present and the meeting convened.

2. ADOPTION OF AGENDA

MOTION: Faltys moved, seconded by Rowland, to adopt the agenda. A voice vote was taken. Voting aye: Christie, Faltys, Hornig, Judkins, Lucas, Nordboe, Pettigrew, Rowland (8). Voting nay: None (0). Absent: Anderson, Criswell (2). Motion carried.

3. APPROVAL OF MINUTES (5-7-18, 5-21-18, 6-4-18)

MOTION: Nordboe moved, seconded by Rowland, to approve the minutes of 5-7-18. A roll call vote was taken. Voting aye: Christie, Faltys, Hornig, Judkins, Lucas, Nordboe, Pettigrew, Rowland (8). Voting nay: None (0). Abstain: None (0). Absent: Anderson, Criswell (2). Motion carried.

MOTION: Nordboe moved, seconded by Christie, to approve the minutes of 5-21-18. A roll call vote was taken. Voting aye: Christie, Faltys, Hornig, Judkins, Lucas, Nordboe, Rowland (7). Voting nay: None (0). Abstain: Pettigrew (1). Absent: Anderson, Criswell (2). Motion carried.

MOTION: Nordboe moved, seconded by Christie, to approve the minutes of 6-4-18. A roll call vote was taken. Voting aye: Christie, Faltys, Judkins, Nordboe, Pettigrew (5). Voting nay: None (0). Abstain: Hornig, Lucas, Rowland (3). Absent: Anderson, Criswell (2). Motion carried.

10:33 a.m. - Anderson entered meeting

4. INVESTIGATIONAL & CONFIDENTIAL INFORMATION/REPORTS – CLOSED SESSION

MOTION: Faltys moved, seconded by Rowland, to enter into closed session at 10:33 a.m. for the purpose of hearing discussions of an investigative/confidential nature and for the prevention of needless injury to the reputation of the individuals. Judkins repeated the motion purpose. A roll call vote was taken. Voting aye: Anderson, Christie, Faltys, Hornig, Judkins, Lucas, Nordboe, Pettigrew, Rowland (9). Voting nay: None (0). Absent: Criswell (1). Motion carried.

10:41 a.m. - Krueger departed meeting

MOTION: Nordboe moved, seconded by Faltys, to return to open session at 11:11 a.m. A roll call vote was taken. Voting aye: Anderson, Christie, Faltys, Hornig, Judkins, Lucas, Nordboe, Pettigrew, Rowland (9). Voting nay: None (0). Absent: Criswell (1). Motion carried.

5. APPLICATION REVIEW, RECOMMENDATIONS AND REPORT OUT – OPEN SESSION

Convictions:

Distinctive Ink – Body Art Establishment Applicant

MOTION: Anderson moved, seconded by Christie, to recommend issuing the license with no terms or conditions. A roll call vote was taken. Voting aye: Anderson, Christie, Faltys, Judkins, Lucas, Nordboe, Pettigrew, Rowland (8). Voting nay: None (0). Abstain: Hornig (1). Absent: Criswell (1). Motion carried.

Caelan Long – Tattoo Artist Applicant

MOTION: Lucas moved, seconded by Anderson, to recommend issuing the license with no terms or conditions. A roll call vote was taken. Voting aye: Anderson, Christie, Faltys, Hornig, Lucas, Nordboe, Pettigrew, Rowland (8). Voting nay: Judkins (1). Abstain: None (0). Absent: Criswell (1). Motion carried.

Elizabeth Ward – Cosmetologist Applicant

MOTION: Anderson moved, seconded by Rowland, to recommend offering a probationary license with a 1 year probation to include the standard terms and conditions and the following: complete the jurisprudence examination within 90 days of issuance of license, no solo practice, quarterly employer reports and completion of court probation. Motion based on failure to report 3 convictions and conviction history. A roll call vote was taken. Voting aye: Anderson, Christie, Faltys, Hornig, Judkins, Lucas, Nordboe, Pettigrew, Rowland (9). Voting nay: None (0). Abstain: None (0). Absent: Criswell (1). Motion carried.

Jeremy Cotton – Tattoo Artist Applicant

MOTION: Anderson moved, seconded by Rowland, to recommend issuing the license with no terms or conditions. A roll call vote was taken. Voting aye: Anderson, Christie, Faltys, Hornig, Judkins, Lucas, Nordboe, Pettigrew, Rowland (9). Voting nay: None (0). Abstain: None (0). Absent: Criswell (1). Motion carried.

Juan Calzada – Tattoo Artist Applicant

MOTION: Nordboe moved, seconded by Anderson, to recommend offering a probationary license with a 2 year probation to include the standard terms and conditions and the following: complete the jurisprudence examination within 90 days of issuance of license, body fluid screens, and quarterly employer reports. Motion based on diagnosis, conviction history and failure to report convictions. A roll call vote was taken. Voting aye: Anderson, Christie, Faltys, Hornig, Judkins, Lucas, Nordboe, Pettigrew, Rowland (9). Voting nay: None (0). Abstain: None (0). Absent: Criswell (1). Motion carried.

11:14 a.m. - Break
11:23 a.m. - Meeting resumed
2 public persons entered meeting
Pettigrew departed meeting

6. UPDATES/REPORTS/STATISTICS

- a. Profession Updates: Body Art, Cosmetology, Electrology, Esthetics, Nail Technology and Indoor Tanning Facilities
- Saline solution tattoo removal
 - Tatt2away tattoo removal

Body Art – Judkins reported that there will be a convention in Hastings. Judkins stated questions had been asked as to whether using saline solution tattoo removal or Tatt2away tattoo removal fell under tattooing. There was discussion that the definition of tattooing did not mention removal.

11:27 a.m. - 1 public person entered meeting

MOTION: Nordboe moved, seconded by Anderson, the Board position was that Tattoo removal by saline solution tattoo removal or Tatt2away tattoo removal did not fall under the scope of practice of tattooing. A roll call vote was taken. Voting aye: Anderson, Christie, Faltys, Hornig, Judkins, Lucas, Nordboe, Rowland (8). Voting nay: None (0). Abstain: None (0). Absent: Criswell, Pettigrew (2). Motion carried.

Cosmetology – There will be no reviewing of cosmetology continuing education beginning January 1, 2019. Horning asked if cosmetology students could be taught by barber instructors in cosmetology schools. It was discussed that if it was the theory that both barbers and cosmetologists learn and not the practical, that seemed to be reasonable.

MOTION: Nordboe moved, seconded by Horning, the Board position was a barber instructor may teach theory in a cosmetology school to cosmetology students. A roll call vote was taken. Voting aye: Anderson, Christie, Faltys, Hornig, Judkins, Lucas, Nordboe, Rowland (8). Voting nay: None (0). Abstain: None (0). Absent: Criswell, Pettigrew (2). Motion carried.

Electrology – There was no report.

Esthetics – There was no report.

Nail Technology – Rowland stated she will be an expert in a case coming up. She commented that she sent a letter to Senator Howard about sponsoring a bill next year regarding nail technology and natural nails and Senator Howard suggested a different senator to sponsor the bill.

Indoor Tanning Facilities – There was no report.

11:56 a.m. - 1 public person entered meeting

- b. National-Interstate Council of State Boards of Cosmetology

Chiles reported the NIC dues of \$200 had been paid. Rowland reported she was on the NIC Endorsement Committee where members contact assigned states and asked questions about legislation in their state related to the profession. The NIC Annual Meeting is in October but no information is on the website yet in terms of an agenda.

MOTION: Anderson moved, seconded by Christie, to authorize funding for up to 3 Board members to attend the NIC Annual Meeting October 6-8, 2018. A roll call vote was taken. Voting aye: Anderson, Christie, Faltys, Hornig, Judkins, Lucas, Nordboe, Rowland (8). Voting nay: None (0). Abstain: None (0). Absent: Criswell, Pettigrew (2). Motion carried.

- c. Disciplinary/Non-Disciplinary Action Report, Examinations, Renewals, Licensing Stats, and Administrative Penalties

Chiles distributed the Disciplinary/Non-Disciplinary Report.

Chiles reported the following examination results since 5-7-18:

Nail Technology – 3 pass, 5 fail
Cosmetology – 28 pass, 23 fail
Esthetics – 15 pass, 4 fail
Cosmetology Instructor – 2 pass
Cosmetology Jurisprudence (probation) – 1 pass, 1 fail
Cosmetology Jurisprudence (CEU) – 1 pass, 2 fail

Following statistics were reported:

Apprentice Training Salon – 1
Cosmetician – 12
Cosmetologist – 8,847
Cosmetology Instructor – 175
Cosmetology Salon – 1,974
Cosmetology Salon Consideration Certificate – 10
Electrologist – 13
Esthetician – 999
Esthetics Instructor – 22
Esthetics Salon – 69
Home Service Permit – 4
School of Cosmetology – 15
Nail Technician – 1,222
Nail Technology Instructor – 11
Nail Technology Salon – 201
Nail Technology Salon Consideration Certificate – 2
Nail Technology School – 5
Nail Technology Temporary Practitioner – 1
Body Art Facility – 202
Body Brander – 1
Body Piercer – 113
Permanent Color Technician – 139
Tattoo Artist – 370

12:30 p.m. - Anderson departed the meeting

7. REGULATION REVIEW & DISCUSSION (Body Art)

Sharps containers and disposal. It was suggested that federal needed to be added in addition to meeting city and county requirements. Matt (public person) talked about his work on the NEHA Body Art Model Code – Draft. The NEHA Body Art Model Code – Draft refers to meeting NIOSH standards and Matt recommended NIOSH be included in the regulations. Tyson (public person) did not want to be limited by NIOSH. There was also a discussion about the disposal of sharps. It was agreed these two items would be tabled until the Board had more information on NIOSH.

Infectious waste. Matt (public person) said was now called biomedical waste in the NEHA Body Art Model Code-Draft. Tyson (public person) expressed concerns about using the term biomedical waste and the NEHA Body Art Model Code-Draft definition for biomedical waste as it would change how had to dispose of trash and would increase costs. Tyson referenced other standards related to infectious waste.

1:16 p.m. - Lucas departed the meeting

It was determined there was no longer a quorum and the meeting needed to adjourn.

8. ADJOURNMENT

MOTION: Rowland moved, seconded by Christie, to adjourn. A roll call vote was taken. Voting aye: Christie, Faltys, Hornig, Judkins, Nordboe, Rowland (6). Voting nay: None (0). Abstain: None (0). Absent: Anderson, Criswell, Lucas, Pettigrew (4). Motion carried.

Judkins declared the meeting adjourned at 1:17 p.m.

Respectfully submitted,

Bridget Anderson, Secretary

Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art

Summarized by Nancy Herdman, Health Licensing Coordinator